

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 09-221V
Filed: January 8, 2016

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D.B.,

UNPUBLISHED

Petitioner,

Special Master Hamilton-Fieldman

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Attorneys' Fees and Costs;
Reasonable Amount Requested to
Which Respondent Does Not Object.

Respondent.

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Diane C. Cooper, Bruce G. Clark & Associates, P.C., for Petitioner.

Alexis Babcock, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On April 14, 2009, D.B. ("Petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). On January 9, 2014, the undersigned issued a decision dismissing the petition, and on January 14, 2014, judgment entered on the dismissal.

On January 12, 2015, the above captioned-counsel entered her appearance on behalf of Petitioner, and on January 13, 2015, Petitioner filed a motion to vacate the judgment. The undersigned denied Petitioner's motion on September 4, 2015.

On December 21, 2015, the parties filed a Stipulation of Facts Regarding Final Attorneys' Fees and Costs. Pursuant to their Stipulation, the parties have agreed to an award of \$14,000.00 in attorneys' fees and costs. In accordance with General Order Number 9, the parties represent that Petitioner has not personally incurred any costs during the time that Ms. Cooper has represented her.

¹ This decision was originally filed on December 21, 2015. In the reissued decision, Petitioner's name is, at her request, replaced with her initials; the remainder of the decision is unchanged.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

The undersigned finds that the motion to vacate judgment was brought in good faith and that there existed a reasonable basis for filing it. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$14,000.00, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Diane C. Cooper, of the law firm of Bruce G. Clark & Associates, P.C.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.